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PETITION FOR AN ALTERNATE WRIT OF PROHIBITION
(Formal Parts Omitted)

TO THE HONORABLE CIRCUIT COURT JUDGE OF KENOSHA COUNTY, STATE OF WISCONSIN:

Now comes John C. Rizzo and respectfully represents and shows to the court as follows:

1) That he is the defendant in the case of the State of Wisconsin vs. John C. Rizzo, wherein he is charged with violating Section 945.03 (1) of the Wisconsin Stats. and that said matter is scheduled for a preliminary hearing on September 30, 1965 at 10 A. M. before the Honorable Earl Morton.

2) That on October 7, 1964, your petitioner was subpoenaed to attend and give testimony before the Honorable Harry V. Carlson, County Judge, County Court, Branch II in a proceeding pursuant to Sec. 954.025 Wisconsin Stats.

3) That on October 13, 1964, your petitioner appeared before the Honorable Harry V. Carlson, County Judge, County Court, Branch II, pursuant to said subpoena.

4) That pursuant to said subpoena your petitioner was sworn on oath, certain questions were asked of him, the answers to which he refused to give, on the ground that his answers may have tended to incriminate him.

5) Whereupon your petitioner was granted immunity from criminal prosecution pursuant to Sec. 325.34 of the Wisconsin Stats., and after said grant of immunity your

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petitioner gave truthful answers to the questions put to him.

5 6) That pursuant to said grant of immunity your petitioner testified to violations of Chapter 945 of the Wisconsin Stats.

7) That notwithstanding said grant of immunity, your petitioner is being prosecuted for an alleged violation of Sec. 945.03 (1) of the Wisconsin Stats. in violation of the protection afforded your petitioner by Sec. 325.34 of the Wisconsin Stats. and the Wisconsin and United States Constitutions.

Your petitioner hereby informs and gives the Court now here to understand that the said County Court of Kenosha County, Branch II, and the Honorable Earl Morton, presiding Judge of said Court, has entertained, now entertains and will threaten to proceed with certain proceedings wholly unwarranted by law and beyond the rightful jurisdiction of said Court and Judge thereof; and that the said Court threatens to restrain your petitioner of his personal liberty and injuriously to usurp powers and authorities contrary to the Constitution and laws of the State of Wisconsin, to the injury of the State of Wisconsin and its sovereignty and contrary to the United States Constitution, the Wisconsin Constitution, the laws of the United States and the laws of the State of Wisconsin.

And thereupon your petitioner moves the Court to order and direct the issuance of its alternate writ of prohibition, to the County Court of Kenosha County, Branch II and to the Honorable Earl Morton, presiding Judge, com-

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manding him to desist and refrain from any further proceedings in the matter specified in this petition until some day to be fixed by the Court in the said writ named, and further order of the Court thereupon, and then to show cause why he should not be absolutely and permanently restrained and prohibited from any further proceedings in said matter.

/s/ JOHN C. RIZZO
John C. Rizzo

Affidavit of John C. Rizzo (Not Printed)

CERTIFICATE OF SERVICE

I, Bronson C. LaFollette, Attorney General of Wisconsin, a member of the Bar of this Court, hereby certify that I have this day served the foregoing Respondent's Brief Opposing Petition for Writ of Certiorari upon the Counsel of Record for the Petitioner herein, by mailing a copy thereof with first class postage prepaid, addressed as follows:

Dominic H. Frinzi
Attorney at Law

161 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

Dated this 21st day of April, 1967.

BRONSON C. LA FOLLETTE
Attorney General of Wisconsin

Counsel of Record for Respondent